



Attorney Docket: 009523-0290437
Case Reference: OL98801N-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9

In re PATENT APPLICATION of: TAKAOKA Confirmation Number: 1161

Application No.: 10/006,621

Group Art Unit: 2877

Filed: December 10, 2001

Examiner: Turner

Title: OPTICAL SYSTEM AND OPTICAL APPARATUS

PETITION UNDER RULE 181(a)
FOR
WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed April 30, 2004, Applicant respectfully requests Withdrawal of Holding of Abandonment for the following reasons.

The Notice of Abandonment cites "Applicant's failure to timely file a proper reply to the Office letter mailed on 03 September 2003" as the reason for the issuance of the Notice of Abandonment. In fact, Applicant did timely file a proper reply on February 3, 2004 together with payment of the fee for a two-month extension of time. A copy of the entire filing, including a copy of the Patent Office date stamped receipt evidencing receipt of the papers on February 3, 2004, is attached hereto. Since the holding of abandonment is due to an error at the U.S. Patent and Trademark Office, Applicant respectfully submits that no fee is required. Should the Patent Office deem otherwise, please charge any requisite fees to our Deposit Account No. 03-3975, Order No. 9523/290437. A duplicate copy of this Petition is attached hereto for that purpose.

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JUN 10 7 2004

TECHNOLOGY
SPECIAL

R2800
CENTER

TAKAOKA -- 10/006,621
Client/Matter: 009523-0290437

In view of the above it is respectfully requested that the holding of Abandonment be withdrawn as having been issued in error by the Patent and Trademark Office.

Respectfully submitted,

PILLSBURY WINTHROP LLP



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UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 10 2004

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,621	12/10/2001	Hideyuki Takaoka	P 290437 OL98801N-US	1161
909 7590 04/30/2004				
PILLSBURY WINTHROP, LLP				
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MCLEAN, VA 22102				
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EXAMINER				
TURNER, SAMUEL A				
ART UNIT				
PAPER NUMBER				
2877				

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MAY 03 2004

CL 029523 MT# 0290437
ATTY(S) 700
DUE: June 30, 2004
DKT BY (1) 700 (2) 700

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY



Notice of Abandonment

Application No.

10/006,621

Examiner

Samuel A. Turner

Applicant(s)

TAKAOKA, HIDEYUKI

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

COPY

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 September 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Samuel A. Turner
Primary Examiner
Art Unit: 2877

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.